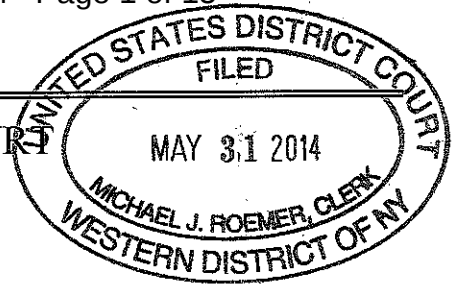


AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of New York

United States of America
v.

MUFID A. ELFGEEH

Case No.

14-MJ-

590

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 31, 2014 in the county of Monroe in the
Western District of New York, the defendant(s) violated:*Code Section*Title 26, United States Code,
Sections 5841, 5861(d), and 5871.*Offense Description*

Two counts of receipt and possession of an unregistered firearm silencer.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

FBI Special Agent Albert W. Zenner

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/31/2014
*Judge's signature*City and state: Rochester, New York

Hon. Jonathan W. Feldman, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

State of New York)
County of Monroe) SS:
City of Rochester)

I, ALBERT W. ZENNER, being duly sworn, depose and state the following:

INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have served in this capacity for over 16 years. I am currently assigned to the Joint Terrorism Task Force (JTTF), Buffalo Division, in Rochester, New York. At the JTTF, I work with a team of federal, state, and local law enforcement agents and officers on investigations relating to domestic and international terrorism. During my tenure with the FBI I have also worked on a number of other types of investigations, including counterintelligence, white collar crime, public corruption, organized crime, and narcotics. Prior to my employment with the FBI, I worked as an attorney, and remain a licensed member of the Pennsylvania bar. I am familiar with digital evidence commonly possessed and used by those involved in criminal activities. I have also conferred with other FBI Special Agents who have expertise and experience in counterterrorism investigations and digital evidence.

2. This affidavit is submitted for the limited purpose of establishing probable cause to support a criminal complaint charging MUFID A. ELFGEEH with two counts of receipt and possession of an unregistered firearm silencer (as defined in Title 18, United States Code, Section 921(24)), in violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871. This affidavit does not include each and every fact known to me concerning this investigation. I have set forth facts that I believe are necessary to establish probable cause to believe that ELFGEEH has committed the specified offenses.

3. The information contained in this affidavit is based on, inter alia, my personal participation in the investigation of ELFGEEH, information provided by two reliable confidential human sources (CS-1 and CS-2), consensual recordings of conversations between the confidential human sources and ELFGEEH,¹ a review of ELFGEEH's publicly viewable Twitter posts, information from public databases, discussions I have had with other members of the investigative team, and my review of documentary evidence gathered during this investigation.

II. PROBABLE CAUSE

Subject of the Investigation

10. MUFID A. ELFGEEH is a 30-year old Yemeni male. He is a naturalized United States citizen and currently resides at 1193 North Clinton Avenue, Rochester, New York. ELFGEEH also owns and operates a store, Halal Mojo and Food Mart a/k/a Mojoe's, at that location. Beginning in early 2013, and continuing to the present day, ELFGEEH has expressed his support of various terrorist groups (including al-Qa'ida, al-Nusrah Front, and the Islamic State of Iraq and the Levant) and violent jihad.² As discussed below, this investigation has revealed that, consistent with his ideology, ELFGEEH has plotted to shoot and kill both members of the United States armed forces returning from Iraq and Shi'a Muslims in the Western District of New York. As part of that plan, ELFGEEH purchased two handguns equipped with unregistered firearm silencers and ammunition from CS-2.

¹ All of the recorded conversations summarized in this affidavit were done with the consent of the confidential human sources. All conversations between ELFGEEH and CS-1 occurred in Arabic. I have reviewed the available verbatim or summary English translations of those conversations that were drafted by certified FBI translators. The English translations are preliminary, not final.

² "Jihad" is an Arabic term meaning "struggle," referring to one's struggle on behalf of Islam. In the context of these communications, and the other communications summarized in this affidavit, I understand ELFGEEH to be referring to a violent form of jihad associated with terrorist groups.

ELFGEEH'S Twitter Posts

11. ELFGEEH, a frequent user of Twitter,³ has maintained Twitter accounts under aliases, including Abu Musa al-Yamani@2866594 and Abu Musa al-Faqih@ali1212125.⁴ ELFGEEH has used Twitter to post and re-post tweets expressing support of various terrorist groups and violent jihad, and seeking donations to assist jihadist fighters in Syria. For example, between approximately September 2013 and December 2013, ELFGEEH sent the following publicly viewable tweets:

a. In a series of tweets, ELFGEEH praised decisions by ISIL to prevent food, fuel and medicine from going into certain areas in Syria. ELFGEEH also expressed support for al-Qa'ida and jihadists as the true Muslims, and advocated jihad and martyrdom. Additional tweets discussed the increasing number of fighters who are joining ISIL;

b. ELFGEEH posted two tweets saying that al-Qa'ida gets revenge for the Muslims of Burma and al-Qa'ida is our only savior;

c. ELFGEEH re-posted a tweet stating that there are jihad opportunities against America and Hawthis⁵ in Yemen and the Levant region;

³ Twitter is an online social networking and microblogging service that enables users to send and read short 140-character text messages, commonly referred to as "tweets." Retweeting is when a tweet is forwarded via Twitter by users. Users can group posts together by topic or type by use of hashtags – words or phrases prefixed with a "#" sign. Registered users can read and post tweets, while unregistered users can only read them. Users access Twitter through their website, short message service (SMS), or mobile device (such as smartphones) applications.

⁴ I have concluded that these Twitter accounts were used by ELFGEEH based on information from an FBI employee who had contact with ELFGEEH, the fact that the aliases for these accounts matched aliases also used by ELFGEEH for certain Facebook accounts, and subpoenaed records which showed that, as of November 2013, the most recent logins for both Twitter accounts were from the IP address 96.25.125.2, which was bound to a broadband device registered to ELFGEEH at 1193 North Clinton Avenue, Rochester, New York (ELFGEEH's residence and place of business).

⁵ "Hawthis" (or "Houthis" or "Hufthis") are a Shi'a Muslim insurgent group operating in Yemen. Their opponents include al-Qa'ida.

d. ELFGEEH posted a tweet stating, “al-Qa’ida said it loud and clear: we are fighting the American invasion and their hegemony⁶ over the earth and the people;”

e. ELFGEEH posted several tweets with photographs and captions promoting Ansar al-Sharia (another al-Qa’ida-linked terrorist group), and stating that people will have an honorable life under Shari’a law, and that with grenades in their hands they are ready to die for the sake of Allah;

f. In a series of tweets, ELFGEEH stated that money is the largest resource for jihadists and that the prophet Muhammad preached that people should fight the infidels with their money, their bodies, and their words. ELFGEEH urged people to donate money as it is considered a type of jihad, and stated that money is the foundation of jihad because there will be no jihad if the jihadist does not have money with which to buy his weapons. One tweet stated that there is a specific weapon that jihadists want to purchase which costs \$20,000, and the amount of money needed will be divided into four shares, with each share amounting to \$5,000. Another tweet contained the hashtag, “#Five_thousand_dollars_from_every_household;”

g. ELFGEEH reposted a tweet stating, “Every Iraqi Sunni jihadist is defined as a terrorist in the international society; they don’t know that the State of Iraq and Sham [ISIL] will one day rule the world with the will of Allah;”

h. ELFGEEH posted a tweet stating that “@free_syria_army” and their group support America in waging a campaign against the State (ISIL) and against all those who want to apply Shari’a/Allah’s law;

i. ELFGEEH posted tweets telling everyone to donate a third of their salary to the jihadists in Syria and that “@sHaFi_Ajmi, @Al_owaihan, and @hajjalajmi” are the people who will deliver the donations; and

⁶ “Hegemony” means domination, control, or supremacy.

j. ELFGEEH posted tweets asking for money donations, one of them stating that there is a campaign to collect \$5,000 from each family to go to the jihadists in al-Sham (Syria).

Confidential Human Sources

12. In early 2013, the FBI began using CS-1 as part of its investigation of ELFGEEH. CS-1 first cooperated with the FBI in or about 2000, and first reported information about ELFGEEH in or about early 2013. As of April 2014, the FBI has paid CS-1 a total of approximately \$21,700 in exchange for his cooperation in this investigation, as well as an unrelated matter in another district. CS-1 continues to cooperate with the FBI in anticipation of receiving additional monetary compensation. Additionally, the FBI made an informal request to Immigration and Customs Enforcement (ICE) for visitor visas for five of CS-1's family members. ICE subsequently approved visitor visas for two of those family members, although it is not believed that the FBI's request influenced ICE's decision to grant those visas. The FBI, however, believes that CS-1 may believe that he/she has received this benefit from the FBI. The FBI also obtained Significant Public Benefit Parole status from ICE for three of CS-1's family members who were not previously granted visas. CS-1 is aware that the FBI facilitated the entry of these family members into the United States.

13. The information provided by CS-1 has been corroborated by the JTTF through independent investigation, physical surveillance, public records, information provided by other law enforcement agencies, consensual recordings of conversations between CS-1 and ELFGEEH, consensual recordings between CS-2 and ELFGEEH, and subpoenaed Western Union records. The information provided by CS-1 has been found to be accurate and reliable.

14. CS-2 began cooperating with the FBI in or about November 2013. As of April 2014, the FBI has paid CS-2 a total of approximately \$4,000 in exchange for his cooperation in this

investigation. CS-2 has a prior felony conviction for Attempted Criminal Sale of a Controlled Substance 3° from Monroe County Court from 2003, for which he was sentenced to one (1) year in jail, and a prior misdemeanor conviction for Criminal Possession of a Controlled Substance 7° from Rochester City Court from 2004. CS-2 continues to cooperate with the FBI in anticipation of receiving additional monetary compensation.

15. The information provided by CS-2 has been corroborated by the JTTF through independent investigation, physical surveillance, public records, information provided by other law enforcement agencies, consensual recordings of conversations between CS-2 and ELFGEEH, and consensual recordings of conversations between CS-1 and ELFGEEH. The information provided by CS-2 has been found to be accurate and reliable.

ELFGEEH'S Receipt and Possession of Firearm Silencers

16. On December 9, 2013, ELFGEEH discussed with CS-2 the attack on a mall in Kenya by al-Shabaab (an al-Qa'ida-affiliated terrorist group operating in Somalia). ELFGEEH said that, "Kenya is killing everybody in Somalia. They killing children, women, everyone . . . Anybody." ELFGEEH continued, "They [Kenya] go in there killing everybody, just like the American went into Iraq killing everybody. Just like . . . the Americans surrounding Iraq, everybody, it's like they go to Afghanistan killing everybody. It's like they went to Yemen now killing everybody. Doesn't make no difference." ELFGEEH said, "me, myself, I'm thinking about doing something here to be honest with you . . . I'm thinking about just go buy a big automatic gun from off the street or something and a lot of bullets and just put on a vest [meaning bulletproof vest] or whatever and just go around and start shooting." CS-2 stated, "you already got a bulletproof vest." ELFGEEH responded, "yeah."

17. On December 11, 2013, ELFGEEH told CS-2, “[w]hat I think is if we somehow find a budget and we could just to make this thing serious . . . We start doing small things like this brother used to do . . . in French. He used to go after, you know, people. You used to be in the army and hunt them down and he used to do it by himself and he got killed by . . . cops.”⁷ ELFGEEH noted that “it’s easy to . . . give the location of who’s in Iraq and who comes back. I know a couple of them that come here regular and they’re proud to be in there . . . they still proud of what they’re doing, you know, what they’ve done [unintelligible]. Now will give you satisfaction from what you’re doing.” In response to CS-2’s statement “when you’re doing something crazy and you’re probably going to be killed or it’s gonna be something that you can’t go back to your home or business or something,” ELFGEEH stated, “you just gotta find a way to do it, you know? I can snipe, you could buy a sniper.”

18. On February 5, 2014, ELFGEEH told CS-2 that he needed a handgun with a device to “take the volume away.” CS-2 responded, “[o]h the silencer, the silencer.” ELFGEEH then said, “Yup.” ELFGEEH indicated that he wanted a handgun for which “you could find bullets everywhere,” and emphasized that he needed the handgun and silencer together.

19. On March 3, 2014, ELFGEEH told CS-2 that he was “looking for a baby 9,” meaning a small 9 millimeter handgun. ELFGEEH said, “some small and nice, Glock, you know, gonna do some damage, you know.” ELFGEEH further stated that he wanted the handgun to be “clean,” meaning that it had not been previously used to commit another murder. ELFGEEH told CS-2 that he wanted to know the price for the handgun with and without the silencer. With regard

⁷ Based on this description, and other statements by ELFGEEH summarized in this affidavit, I believe ELFGEEH was referring to a series of three shootings by a 23-year-old French-Algerian man named Mohammed Merah, who targeted French soldiers and Jewish civilians in France in March 2012. During a shooting spree on March 11 and 15, 2012, Merah killed a French paratrooper and two uniformed soldiers, and seriously injured another uniformed soldier. In addition, Merah killed four people (including three children) at a Jewish day school. Merah was shot and killed during a 30-hour siege with the police.

to the plot, ELFGEEH said, “[w]e gonna take our time . . . So, I know 100 percent what I’m gonna do, you know . . . I’m gonna do, you know, a few things with it.” ELFGEEH continued and asked CS-2 to inquire about prices for hand grenades, the type that one could throw at someone as you are driving a car. When CS-2 asked if they were going to target members of the Army (including one of ELFGEEH’s customers), ELFGEEH responded, “we gonna fish around for whatever that we [unintelligible] . . . We gonna fish. [unintelligible] Then we gonna work our way from there. Cause more, some things, you don’t even tell nobody anything.” ELFGEEH continued, “even if we do 20 or 30 people slowly . . . So we just gonna focus about things that are gonna really work.”

20. On March 10, 2014, ELFGEEH recounted to CS-1 a conversation he had with a Somali male. The Somali male told ELFGEEH about a conversation he had with a former member of the United States military (who he referred to as the “Army marines”), during which the Somali male told the former military member, “you see what we did . . . to the American marines when they came.” The former military member apparently responded, “[y]ou should see what we did in Iraq and Afghanistan.” ELFGEEH told CS-1 that he told the Somali male that, if he killed the former military member, he (the Somali male) would “get a reward [from God].” ELFGEEH stated that, while some people who “claim to be scholars” say that “these people [meaning United States military members] are now in peace, etc., and not to kill a child and so on and it is a lie.” ELFGEEH said, “in fact it is kill them as they kill you . . . fight them all together as they fight you all together.” ELFGEEH continued, “They go and kill women and children, etc., and if we are a state or any army or so, at that time we have to differentiate, at that time we are obligated and don’t have to think, but if we were a gang, I mean, you want to terrorize them . . . you want to stop the killing machine that is happening there, you understand, and the only way is to deter them by any means.” ELFGEEH stated that he told the Somali male, “if you kill him in the cause of Allah then you have defended our sanctities and avenged their blood.”

21. On March 19, 2014, CS-2 showed ELFGEEH a photograph of a handgun and silencer that his “source” was willing to sell to them.⁸ CS-2 told ELFGEEH that the brand of the handgun was “PPK.” CS-2 also quoted ELFGEEH a price of \$600 for the handgun and silencer. ELFGEEH asked CS-2 questions about how effective the silencer would be in suppressing the sound of the handgun firing. Later in the conversation, ELFGEEH stated, “I don’t have . . . no plan whatsoever, all in my head. It’s all in my head,” noting that the handgun was for his “personal use . . . to take care of some things.” ELFGEEH indicated that the timeframe for the plot would not “be right away,” but stated that “when we ready for future reference, we gonna go a bit, little bit more bigger [unintelligible] we gonna buy some more stuff from this guy [meaning CS-2’s gun supplier], and probably we gonna need like big ones with the same quiet [meaning silencer], you know, but they have to be big ones [unintelligible].” ELFGEEH continued, “we gonna try to do as much as we could before we could get, get captured.” ELFGEEH said that getting the handgun and silencer “is gonna be a big step, getting it in the first place.” When CS-2 asked if they were going to release a video message after the shooting(s), ELFGEEH responded, “[o]nce we do five or ten already, 15, something like that . . . then we gonna say something,” noting that they would “post something.” After CS-2 asked about the timeframe for the shootings, ELFGEEH responded, “most of the things I’m gonna do ‘em by myself. And, you know, hopefully in the right time.” ELFGEEH continued, “[e]ven if we do 15, 20 something and then we leave, and we go take a nice video and just [laughing], you known such and such was us.” ELFGEEH then stated, “most of it is going to be a quicky thing. You know, it’s like, ah, kid in French.”⁹

⁸ The photograph, which depicted a Walther PPK .32 caliber handgun with a silencer affixed to the barrel, was provided by the FBI.

⁹ As detailed supra, I believe this is a reference to a French-Algerian individual named Mohammed Merah, who shot and killed three French military members, and seriously injured a fourth, during shootings in France in March 2012.

22. On March 30, 2014, CS-2 told ELFGEEH that the handgun was a 9 millimeter, and reiterated that it was the brand PPK. CS-2 asked ELFGEEH whether he needed the handgun for a personal issue or for *fiabilillah*,¹⁰ noting that he would feel comfortable only if it was *fiabilillah*. ELFGEEH responded, “the main thing is that [meaning *fiabilillah*], and the only thing is that, I’m just gonna also keep it, ah, around for other reasons and stuff that I said.” ELFGEEH then said that the gun would “be around” the store and that he would have to get a permit because if the police pulled him over they would know he was “clean.” ELFGEEH stated the “main thing is right now, is we don’t have nothing, so we have to have something, and silencer is the easy thing like, it could be right now in the day time, and I could be . . . like this guy here or something . . . I could just go back and wait for him to when he leave to go to his garage, and just walk up slowly, boom, boom, boom, inside his garage.” When CS-2 asked how they would know if the victim was a soldier, ELFGEEH stated, “this is easy to find out. It’s not hard . . . we could go online or something and they tell you names . . . this is official thing.” ELFGEEH also stated, “why I said it’s for purpose because, or ah, personal or something, because, it’s the thing that I need, to know you know, get it right away, um, there is some, you know, now we have war with Shi’a and others, you know, at the same time, and they all . . . kuffar¹¹ you know, so, you know, just I just gotta do, I’m gonna do my deed. Hits left and right [meaning multiple killings], you know.” CS-2 asked ELFGEEH about the “guy in France” that ELFGEEH had referenced in prior conversations. ELFGEEH responded, “[i]t’s in YouTube. Young boy . . . he made news man, he killed about four soldiers . . . he was just young and doing it by himself. He got caught.”¹² ELFGEEH said that the French male got caught

¹⁰ “*Fiabilillah*” (or “*feabilillah*”) is an Arabic expression meaning “in the cause of Allah.”

¹¹ “Kuffar” means infidel or non-Muslim.

¹² As detailed *supra*, I believe this is a reference to a French-Algerian individual named Mohammed Merah, who shot and killed three French military members, and seriously injured a fourth, during shootings in France in March 2012. I should note that ELFGEEH stated that he believed the perpetrator was from Morocco, while Merah was actually Algerian.

because he did one or two of the shootings on camera, and he was killed when he got caught. When CS-2 stated that they should learn from the French male's mistakes and avoid the cameras, ELFGEEH responded, "Yeah." ELFGEEH stated that \$600 for the 9 millimeter handgun was a "good price." ELFGEEH asked CS-2 to tell the source to bring "two, three boxes or more" of 9 millimeter ammunition, noting that "[w]e don't wanna have to go round looking for nothin'."

23. On April 4, 2014, ELFGEEH told CS-2 to "tell him to bring it," meaning tell the source to transport the handgun and silencer to Rochester. CS-2 asked ELFGEEH for proof that "taking out a soldier on the disbelievers' land" is justified. ELFGEEH indicated that he did not have sufficient time to answer the question, and that it would take more time to provide the material to CS-2.

24. On April 10, 2014, CS-2 reminded ELFGEEH that he was "asking for more proof" regarding the justification for the plot. ELFGEEH confirmed, "evidence . . . about the subject that we was talkin', planning." CS-2 told ELFGEEH that he would really like ELFGEEH to give him somebody who has "given like fatwa from it, either from, that I could see even like YouTube and see."¹³ ELFGEEH responded, "there is a YouTube that says all . . . tell you what to do, don't do this, don't do that, don't do this, do this, it tells you everything before that and then it tells you that . . . it's YouTube . . . they call them here . . . 'individual wolf.'"¹⁴ ELFGEEH also inquired if there was "anything new" about the handgun. CS-2 responded that his source planned to take a trip to Pennsylvania at the end of the month (April). ELFGEEH responded, "[t]hat's probably where the stash is."

¹³ It should be noted that, as of the date of this affidavit, ELFGEEH has not provided the requested proof or justification to CS-2.

¹⁴ I believe this is a reference to a "lone wolf" or "lone mujahid" terrorist. A "lone wolf" terrorist is someone who commits acts of violence in support of a group, movement or ideology, but who does so alone, outside of any command structure and without material assistance from any group.

25. On April 20, 2014, ELFGEEH told CS-1 that he (ELFGEEH) was purchasing a PPK 9 millimeter handgun equipped with a silencer for \$600. ELFGEEH told CS-1, "I got it [meaning the handgun and silencer] in order, uh, between me and you; we wanted to start shooting those who were in the Army who went to Iraq . . . I mean there were people coming to me, they are known, we wanted to begin with them instead of sitting doing nothing, one begins to try, you understand, and see how far he reaches with them." ELFGEEH also stated that "there is someone from our homeland in Yemen who was my friend . . . his brothers and nephews are fighting with al-Huthi against Sunnis in Yemen, you understand, and they do it with his consent and support and he is the one who is financing and everything, someone like that, uh, I mean it is a war, you understand, I wanted it for these kind of things and then it is an excellent silencer." ELFGEEH stated that "God willing," the gun and silencer would come by the end of the month (April), and that he would then set up a shooting target in the basement.

26. On April 21, 2014, ELFGEEH asked CS-2, "what's up with this guy [the gun supplier], man?" CS-2 stated that the supplier is leaving at the end of the month (April), within the next two weeks.

27. On April 27, 2014, CS-1 asked ELFGEEH to confirm that he would not proceed with the plot until after June 2, 2014. ELFGEEH responded, "no, no."

28. On May 12, 2014, CS-2 sent a text message to ELFGEEH at the telephone number (585) 354-9614, which is known to CS-2 as the telephone number used by ELFGEEH . The text message stated, in pertinent part, "my friend got what you wanted [meaning the firearm and silencer], do you got the money?" ELFGEEH responded, "Yes. I got it."

29. On May 29, 2014, CS-2 met with ELFGEEH at Mojoe's. During the meeting, CS-2 told ELFGEEH that CS-2's supplier had two handguns with silencers available. One was the

previously-discussed Walther PPK and the other was a 9 millimeter. ELFGEEH gave CS-2 \$550 in cash for the purpose of purchasing from CS-2's supplier the Walther PPK with a silencer and ammunition. In addition, ELFGEEH gave CS-2 his Visa card for M&T Bank and instructed CS-2 to withdraw \$500 from ELFGEEH's account for the purpose of purchasing from CS-2's supplier a 9 millimeter handgun with a silencer and ammunition. ELFGEEH asked CS-2 to find out if the supplier would sell the two handguns, the two silencers, and ammunition for the aggregate price of \$1,050. After leaving Mojoe's, CS-2 used the Visa card to withdraw \$500 from ELFGEEH's bank account at an Automated Teller Machine (ATM).

30. Later on May 29, 2014, CS-2 returned to Mojoe's to give the Visa card and ATM receipt back to ELFGEEH. While there, CS-2 informed ELFGEEH that the supplier agreed to sell the two handguns, the two silencers, and the ammunition for a total of \$1,050. CS-2 further stated that the supplier may be in the Rochester area on Friday night (May 30, 2014) or Saturday morning (May 31, 2014) to make delivery of the requested items to CS-2.

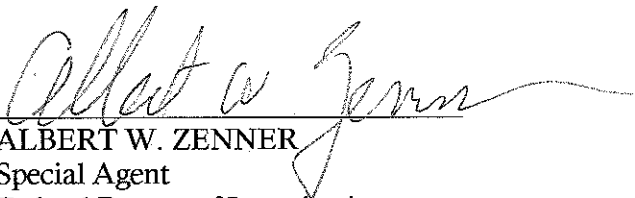
31. On May 31, 2014, the FBI gave CS-2 a grey tackle box containing a Walther PPK, .32 caliber handgun with a functional silencer affixed to the barrel, a Glock 26, 9 millimeter handgun with a functional silencer affixed to the barrel, two boxes of .32 caliber ammunition, and two boxes of 9 millimeter ammunition. Later, CS-2 arranged to meet with ELFGEEH at a location in Rochester, New York. During the meeting, CS-2 gave the box to ELFGEEH. ELFGEEH took the box and began to return to his vehicle. Members of the investigative team arrested ELFGEEH in possession of the box containing the handguns, silencers, and ammunition.

32. Neither firearm silencer purchased by ELFGEEH is registered to ELFGEEH in the National Firearms Registration and Transfer Record.

III. CONCLUSION

33. Based on the foregoing, there is probable cause to believe that MUFID A. ELFGEEH has committed two counts of receipt and possession of an unregistered firearm silencer (as defined in Title 18, United States Code, Section 921(24)), in violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

Dated: Rochester, New York
May __, 2014


ALBERT W. ZENNER
Special Agent
Federal Bureau of Investigation
Joint Terrorism Task Force

Subscribed and sworn to before me
this 31st day of May, 2014.


HONORABLE JONATHAN W. FLEDMAN
United States Magistrate Judge
Western District of New York